

## **REMARKS**

Claims 1-10, 12-13 and 15-20 and 23 remain pending in the present application. The claims have been amended with the full support of the specification. It is believed that the § 112 rejections are overcome in view of the discussions below and the amendments above. New claims 24-28 have been presented for consideration by the Examiner and are believed to be directed to patentable subject matter.

Applicant appreciates the Examiner's review of the Application.

### **The § 112 Rejections**

The Examiner rejected claims 7-9, 12, 13 and 15 under 35 USC § 112, first paragraph, as assertedly failing to comply with the written description requirement. In particular, the rejections assert that the claims contain new matter. Applicant respectfully disagrees at least for the reasons discussed below.

With respect to claim 7, as amended, the rejections assert that the specification, original claims or drawings do not encompass tabs that are formed to receive a cross sectional shape of the enlarged rim of the cup and that the tabs are only capable of receiving the rim when combined with the rest of the first portion and the second portion. Applicant respectfully disagrees. Figure 3C clearly shows the features that have been claimed. The view clearly shows the cross sectional shape of the rim with at least a portion of the cross sectional shape of the rim received by the tab. Further, in Figure 3C, tab 106' is shown having an elongated, curved configuration in which the cross sectional shape of enlarged rim 202 is received. Also in this regard, paragraph 22 states that curved tab 106' is hooked over lip 202 of the cup, which is entirely consistent with Figure 3C. The tabs are clearly shown as receiving the rim independent of the remaining structure. It is also noted that original claims 6 and 20 recited that the tab at least partially surrounded the enlarged annular peripheral rim. Accordingly, withdrawal of the § 112 rejection of claim 7 is respectfully requested, for at least these reasons.

Claim 8 has been amended to recite that the cup includes a sidewall having inner and outer surfaces, as is clearly illustrated by Figure 3c. The recited protrusion projects toward the outer, exterior surface as is likewise shown in Figure 3c.

With respect to claim 9, the rejections assert that the claimed structure has not been shown in a drawing. Applicant respectfully disagrees. It is noted that the rejections are silent as to what is not shown. Accordingly, Applicant will point out where the various features are shown. The sidewall and rim are shown in Figures 3A, 3B and 3C. The rim thickness is clearly greater than the sidewall thickness. These limitations were presented in original claim 3. The entrance opening is designated by the reference number 112 in Figure 2C. These limitations were presented in original claim 3. The entrance opening clearly has a width that is less than the rim thickness in Figure 3C. The latter figure further illustrates that the tab includes a distal end that cooperates with

protrusion 108 to define the entrance opening in a non-confronting relationship. Accordingly, withdrawal of the § 112 rejection of claim 9 is respectfully requested, for at least these reasons.

With respect to claim 12, it is noted that the rejections are silent as to what is not shown. Applicant will therefore point out where various features of claim 12, as amended, are shown. In particular, this claim has been amended to recite that the cup includes a sidewall having an inner surface and an outer surface as is clearly shown, for example, by Figure 3c. Further, the identification portion is positioned proximate to the outer surface when the attachment portion engages the enlarged peripheral rim as is also shown by Figure 3c.

With respect to claim 13, it is noted that Figures 2A-D and 3A-C all show an integrally formed clip as described by paragraph 19 of Applicants disclosure. It is also noted that claim 13 is an originally filed claim.

With respect to claim 15, Figures 3A-C clearly show that the identification portion of the clip is positioned outside of the interior volume of the cup.

Accordingly, for at least these reasons, withdrawal of the § 112 rejections of claims 7-9, 12, 13 and 15 is respectfully requested.

### **The § 102 Rejections**

The Examiner rejected claims 1-2 and 16-20 and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent no. 3,399,780 issued to Macaluso, Jr., et al (hereinafter the '780 patent). Applicant respectfully disagrees in view of the amendments above and for the reasons as set forth in the discussions which follow immediately hereinafter.

It is noted that Claim 1 has been amended to include certain limitations of claims 2 and 3. Since claim 3 was rejected under § 103, the rejection of claim 1, as amended, will be further addressed below in the context of the § 103 rejections in a way which serves to address the § 102 concerns.

Claims 2 and 16 each depend either directly or indirectly from and therefore include the limitations of claim 1. Accordingly, it is respectfully submitted that each of these claims is also patentable over the art of record for at least the reasons set forth above with respect to claim 1. Further, each of these dependent claims places additional limitations on their parent and intermediate claims which, when considered in light of claim 1, further distinguish the claimed invention from the art of record.

For example, claim 2, as amended, recites that the attachment portion defines at least one rim receiving aperture for slidably capturing an engaged part of the enlarged, annular peripheral rim such that the body of the apparatus can move in sliding engagement around the rim. With regard to these limitations, the '780 patent

teaches a clamping arrangement that engages two spaced apart positions on the interior of a glass and an intermediate position on the exterior. Further, at col. 3, lns. 5-6 and lns. 29-30, the '780 patent describes the function of its gripping element as locking to the glass wall and glass rim. Clearly, this is the opposite of the claimed subject matter. Further, the '780 patent also describes bendable arms 18, seen in Figure 4 which also contribute force that capture the device in the opening of the glass and would prevent sliding movement of the protector. The rejections at hand appear to be silent with respect to the limitations of claim 2. Accordingly, for at least these reasons, allowance of claim 2 over Macaluso is respectfully requested.

Claim 17, as amended, is an independent claim which includes certain limitations that have been discussed above, for example, with respect to claim 10. In particular, the attachment portion is configured such that there is no need for a continuous biasing force on the enlarged, annular peripheral rim. Claim 17 has further been amended to recite that resilient biasing force is not applied to the sidewall of the cup in addition to not being applied to the enlarged peripheral rim of the cup. The '780 patent, in contrast, requires a continuous grip from its gripping elements 20 in order to lock these elements to the glass, as is described above, with respect to the patentability of claim 1. Clearly, resilient biasing force is applied to the sidewall of the cup in the context of the '780 patent. Hence, it is respectfully submitted that the features recited by claim 17 are not taught by the '780 patent. Accordingly, allowance of claim 17 is respectfully requested.

Claims 18 and 19 each depend directly from and therefore include the limitations of claim 17. Accordingly, it is respectfully submitted that each of these claims is also patentable over the art of record for at least the reasons set forth above with respect to claim 17. Further, each of these dependent claims places additional limitations on their parent and intermediate claims which, when considered in light of claim 17, further distinguish the claimed invention from the art of record.

For example, claim 18 recites that the attachment portion is configured for slidably engaging part of the enlarged, annular peripheral rim. It is noted that this feature has been addressed above, for example, with respect to claim 2. Accordingly, the arguments above in favor of the patentability of this feature over the art of record with respect to claim 2 are considered to have equal applicability with respect to claim 18. Accordingly, for at least these reasons, allowance of amended claim 18 is respectfully requested.

As another example, claim 19, as amended, recites that the cup sidewall includes an interior surface and an exterior surface and wherein the body further includes an identification portion that is connected with the attachment portion. The identification portion is configured such that it is disposed adjacent to the exterior surface of the sidewall when the attachment region is in engagement with said enlarged, annular peripheral rim. It is noted that this feature has been addressed above, for example, with respect to claim 12, as amended. Accordingly, the arguments above in favor of the patentability of this feature over the art of record with respect to claim 12 are considered to have equal applicability with respect to claim 19. Accordingly, for at least these

reasons, allowance of claim 19 is respectfully requested.

### **The § 103 Rejections**

The Examiner rejected claims 1-6, 10 and 16-20 and 23 under 35 USC 103(a) as being unpatentable over the '780 patent in view of U.S. Patent no. D444,278 to Meyers, Jr. (hereinafter Meyers) and U.S. Patent no. 5,207, 348 to Fischer, et al (hereinafter Fischer). Meyers and Fischer appear to be relied on as teaching an arcuate attachment portion. The Examiner further rejected claims 5 and 6 under 35 USC 103(a) as being unpatentable over the '780 patent, asserting that the '780 patent discloses the invention except for the flexing of the cup. Applicant respectfully traverses, as will be discussed hereinafter in view of the amendments above. Although claims 7-9 were not rejected over prior art, Applicant believes that it is appropriate to address these claims in the context of the claims that are currently under consideration since claims 7-9, 12, 13 and 15 each depend either directly or indirectly from claim 1.

As noted above, Claim 1 has been amended to include certain limitations of Claims 2 and 3. In particular, Claim 1 recites an apparatus for use in association with a cup for aiding a user in identifying that cup, the cup having an annular opening that is defined by an enlarged, annular peripheral rim having a rim thickness and having a rim curvature extending to surround the opening. The apparatus includes a body having an attachment portion that defines a rim receiving aperture configured for engaging at least a part of the enlarged, annular peripheral rim in a way which supports the body on the cup. Further, the attachment portion has an arcuate configuration to at least approximately conform with a portion of the annular opening of the rim curvature and the attachment portion defines an arcuate entrance opening leading into the rim receiving aperture having an entrance opening width that is less than the rim thickness of the enlarged, annular peripheral rim for capturing the engaged part of the enlarged, annular peripheral rim. The Examiner has expressed concern that the claim, prior to the amendments above, is broad enough to read on curvature of the rim "extending around the opening in two directions." That is, extending around the opening as well as extending from some point on the inner surface to some point on the outer surface of the cup. Applicants respectfully disagree with this interpretation since it is not believed to be reasonable to interpret a radial curvature between the inner and outer surfaces as extending around the opening by starting at a point on the interior of the cup and ending at a point on the exterior. Such a radial shape does not reasonably extend around the opening. The amendments above, however, clearly recite that it is the annular curvature of the opening of the rim curvature, which surrounds the opening, to which a portion of the attachment portion conforms.

In attempting to meet these limitations, the rejection relies on the asserted teaching of an arcuate attachment portion by Meyers and Fischer as assertedly providing a motivation to modify the '780 patent. In this regard, it is important to understand what the '780 patent actually teaches, as will be discussed immediately hereinafter.

As noted in Applicant's prior response, the '780 patent includes a pair of gripping elements 20 that are described, in part, at col. 2, ln. 58, carrying over to col. 3, ln. 13, as follows:

The resilient clip element, in the embodiment shown in FIGS. 1 through 5, is of generally inverted U configuration having partially closed ends of the U merging toward each other to form ribs 22 and can be considered as a tubular element having an open wall for snap entry of the glass lip into the tubular configuration. The length of the tubular configuration is sufficient to maintain resilient pressure on the walls of the tubular portion by the curved configuration of the glass lip. Thus, the length of the tubular configuration is sufficient to engage the inner surface of the curved glass rim at spaced apart positions at each end of the tubular configuration and to engage the outer surface of the rim intermediate those spaced positions. The lip engaging ribs 22 snap over the glass rim, e.g. a beaded rim or a plain rim, and lock onto the glass walls. It will be noted that the engaging and locking element 20 has generally flat opposing surface portions as best seen in FIG. 6 and, as seen in FIG. 7, the lengthwise extent of these surfaces across the width of the arm 18 is sufficient to cause a force tending to open the clip element via the curvature of the glass rim when the clip element is snapped onto the lip of the glass.

Initially, it is noted that the U shape, that is referenced, refers to the lengthwise shape of gripping elements 20, it does not refer to their width. With respect to the width of the gripping elements, Applicant believes that it is clear from the foregoing passage that the gripping elements define a straight tubular configuration for receiving the rim of a glass for a number of reasons. First, the length of the tube, as set forth in the passage, could not apply pressure to the glass in the described manner if it were curved to match the rim curvature of the glass. The described contact with two spaced apart positions on the inner surface of the rim and an intermediate position on the outer surface of the rim occurs, however, if the tubular configuration is straight and the glass rim is curved. Second, the passage affirmatively states that element 20 has generally flat opposing surface portions, which is entirely consistent with the statements regarding how this structure contacts the rim of the glass. Third, the width of the element causes a force that tends to open the element as a result of contacting the lip of the glass rim which is, once again, entirely consistent with the described "flat" configuration. Accordingly, Applicant believes that the '780 patent fails to teach, suggest or disclose an attachment portion having an arcuate configuration which is capable of conforming to the rim curvature of a glass. In fact, Applicant believes that the '780 patent teaches exactly the opposite. Specifically, the '780 patent teaches a clip configuration that is straight in the plane of the opening of the glass, so that the clip engages the sidewall of the glass as described, at two spaced apart positions on the interior of the glass and at an intermediate position on the exterior of the glass. In other words, the '780 patent teaches an attachment configuration that is explicitly configured not to conform to the glass on which it is installed to an extent that is at least sufficient to achieve locked gripping directly on the sidewall of the glass as is described at col. 2, ln. 63, carrying over to col. 3, ln. 4

of the '780 patent and shown in Figure 4.

In view of the express requirement for a straight tubular clip portion in the '780 patent, it would not be reasonable to modify the '780 patent in view of Myers and Fischer to include the opposite at least for the reasons that the result would not be predictable and the modified device would likely be rendered inoperable for its intended purpose. The rejections assert that such modification would be obvious as motivated in order to provide a better fit and easier operation. Applicant respectfully disagrees and believes that a modification that controverts the explicit teachings of the reference is likely to result in a device that is inoperable, rather than providing easier operation. Accordingly, it is respectfully submitted that claim 1, as amended, is allowable over the '780 patent for at least these reasons.

Claims 2-6, 10 and 16, as amended, each depend either directly or indirectly from and therefore include the limitations of claim 1. Accordingly, it is respectfully submitted that each of these claims is also patentable over the art of record for at least the reasons set forth above with respect to claim 1. Further, each of these dependent claims places additional limitations on their parent and intermediate claims which, when considered in light of claim 1, further distinguish the claimed invention from the art of record.

For example, amended claim 2 recites that the attachment portion defines the rim receiving aperture for slidingly capturing the engaged part of the enlarged, annular peripheral rim such that the body can move in sliding engagement around the rim. The '780 patent teaches directly away from these limitations in requiring gripping elements 20 that lock the protector to the glass rim (see col. 3, lns. 29-30) as well as in the use of bendable arms 18, as described above. The Fischer and Meyers references appear to be silent with respect to what kind of engagement is provided with a paint bucket. In particular, Applicant is unable to find any teaching or suggestion in these references that the described configuration is intended to allow the brush holder to move slidingly around the rim of the paint bucket. Accordingly, for at least these reasons, it is respectfully submitted that a prima facie case of obviousness has not been made. Allowance of amended claim 2 is respectfully requested.

As another example, amended claim 3 recites that the cup includes a sidewall extending to its rim. The sidewall includes a sidewall thickness, wherein the enlarged, annular peripheral rim includes a rim thickness which is greater than the sidewall thickness, and wherein the attachment portion defines the rim receiving aperture having a width that accommodates the rim thickness and defines the arcuate entrance opening leading into the rim receiving aperture having the entrance opening width configured as less than the rim thickness but greater than the sidewall thickness. With respect to these limitations, the '780 patent illustrates an entrance opening that is in contact with the sidewalls of a glass in Figure 4 of the patent, thereby failing to suggest the combined features of claim 3, as amended. The Myers Patent fails to show a paint bucket. The Fisher Patent, in contrast, shows a uniform width groove. That is, the groove is as wide at its entrance as the remainder of the

groove. Accordingly, it is submitted that the art of record fails to teach, disclose or reasonably suggest the combined features of claim 3, as amended. For at least these reasons, allowance of amended Claim 3 is respectfully requested.

Claim 6, as amended, recites that the enlarged annular peripheral rim of the cup includes an inner periphery and an outer periphery. The attachment portion is configured having a first portion adjacent to the inner periphery and a second portion adjacent to the outer periphery such that the first portion and the second portion are in a non-confronting relationship across the enlarged annular peripheral rim. Gripping element 20 of the '780 patent, in contrast, is of a uniform width and cross-sectional shape. Moreover, the described U shape is consistent across the width of the gripping element so that it defines a confronting relationship across its entire width. The rejections at hand over the '780 patent, either alone or in combination with the remaining art of record, are silent with respect to these specific limitations. Accordingly, for at least these reasons, it is submitted that a prima facie case of obviousness has not been made and allowance of claim 6, as amended, is respectfully requested.

As still another example, claim 7, as amended, depends from claim 6 and further requires that the first portion includes a spaced apart pair of tabs, each of which is formed to receive at least a portion of a cross sectional shape of the enlarged annular peripheral rim and the second portion includes a protrusion that cooperates with the tabs to define the arcuate configuration. The '780 patent, in contrast, shows a pair of spaced apart gripping elements that are entirely separate from one another and do not themselves include spaced apart tabs. Further, a protrusion is not used to cooperate to define the arcuate configuration in the recited manner. Claim 8 depends directly from claim 7 and further recites that the cup includes a sidewall connected with the enlarged annular peripheral rim which sidewall includes an interior surface and an exterior surface, each of which is delimited by the enlarged annular peripheral rim, and wherein the protrusion is positioned at least approximately laterally equidistant from each of the tabs and projects toward the exterior surface from exterior thereto. It is respectfully submitted that the '780 patent is devoid of these features when viewed in a reasonable light. Moreover, it does not appear that the Myers and Fischer Patents make any reasonable contribution with respect to the subject features. Accordingly, for at least these reasons, allowance of amended claims 7 and 8 is respectfully requested.

As yet another example, claim 9 depends from amended claim 7 and further recites that the cup includes a sidewall extending to the rim, and the sidewall includes a sidewall thickness, wherein the enlarged, annular peripheral rim includes a rim thickness which is greater than the sidewall thickness, and wherein the attachment portion defines an entrance opening leading into the rim receiving aperture having an entrance opening width that is less than the rim thickness of the enlarged, annular peripheral rim and each tab includes a distal end. The protrusion is configured to cooperate with the distal end of each tab to define the entrance opening in the non-

confronting relationship. It is respectfully submitted that the art of record fails to teach these features when viewed in a reasonable light. While each reference discussed above defines one or more tabs, in every instance, the distal end of each tab is in a confronting relationship with some other portion of the overall structure through the respective sidewall. Moreover, only the '780 patent describes protrusions which are seen as item 24 in Figure 7 of the patent. These protrusions, however, are clearly formed on a base portion of the tab which supports them such that the protrusions are in a confronting relationship with the distal end of the tab. Accordingly, for at least these reasons, allowance of claim 9 is respectfully requested.

As a further example, Claim 10 depends from amended claim 3 and further recites that the attachment portion is configured for slidingly engaging the enlarged, annular peripheral rim without a need for a continuous biasing force on the enlarged, annular peripheral rim. The '780 patent, in contrast, requires a continuous grip from its gripping elements 20 in order to lock these elements to the glass, as is described above, with respect to the patentability of claim 1. The application of such force is considered as disadvantageous, particularly with respect to disposable cups where continuous pressure can deform the rim, creating a weak spot which may result in the collapse of the opening of the cup. Further, Applicants are unable to find any teaching in the Meyers and Fischer patents which suggests the recited sliding engagement. Applicants are unable to find any specific discussion of claim 10 in the rejections at hand. In this regard, Applicant believes that a prima facie case of obviousness has not been made with respect to the overall combination of features that is recited by claim 10. Accordingly, for at least these reasons, allowance of claim 10 is respectfully requested.

As a continuing example, claim 12, as amended, recites that the cup includes a sidewall having an inner surface and an outer surface, each of which is delimited by the enlarged annular peripheral rim and wherein the body further includes an identification portion that is connected with the attachment portion and is positioned proximate to the outer surface when the attachment portion engages the enlarged peripheral rim. The '780 patent describes a horizontal portion 14 that can be printed with advertising and does not mention identification. Further, this portion is within the interior of the glass and can be covered by liquid, thereby defeating any reasonable attempt at identification using this horizontal portion. Claim 13 requires that the attachment portion and the identification portion are integrally formed. In this regard, claim 15 depends from claim 12 and further recites that the identification portion is outside of the cup interior. Accordingly, allowance of amended claims 12, 13 and 15 is respectfully requested.

Claim 17, as amended, is an independent claim which includes certain limitations that have been discussed above, for example, with respect to claim 10. In particular, the attachment portion is configured such that there is no need for a continuous biasing force on the enlarged, annular peripheral rim. Claim 17 has further been amended to recite that resilient biasing force is not applied to the sidewall of the cup in addition to not being applied to the enlarged peripheral rim of the cup. The '780 patent, in contrast, requires a continuous grip



from its gripping elements 20 in order to lock these elements to the glass, as is described above, with respect to the patentability of claim 1. Clearly, resilient biasing force is applied to the sidewall of the cup in the context of the '780 patent. Further, resilient force is applied by bendable arms 18, as discussed above. Hence, it is respectfully submitted that the features recited by claim 17 are not taught by the '780 patent. Moreover, as discussed above, Applicant believes that it would be unreasonable to modify the '780 patent in view of the remaining art of record in a way that would eliminate the resilient biasing force that is applied by the device of the '780 patent, since the device would not be retained on the glass, thereby rendering it inoperable, and since such a modification is diametrically opposed to the explicit teachings of the '780 patent. Accordingly, for at least these reasons, allowance of claim 17 is respectfully requested.

Claims 18 and 19 each depend directly from and therefore include the limitations of claim 17. Accordingly, it is respectfully submitted that each of these claims is also patentable over the art of record for at least the reasons set forth above with respect to claim 17. Further, each of these dependent claims places additional limitations on their parent and intermediate claims which, when considered in light of claim 17, further distinguish the claimed invention from the art of record.

For example, claim 18 recites that the attachment portion is configured for slidably engaging part of the enlarged, annular peripheral rim. It is noted that this feature has been addressed above, for example, with respect to claim 2. Accordingly, the arguments above in favor of the patentability of this feature over the art of record with respect to claim 2 are considered to have equal applicability with respect to claim 18. Accordingly, for at least these reasons, allowance of amended claim 18 is respectfully requested.

As another example, claim 19, as amended, recites that the cup sidewall includes an interior surface and an exterior surface and wherein the body further includes an identification portion that is connected with the attachment portion. The identification portion is configured such that it is disposed adjacent to the exterior surface of the sidewall when the attachment region is in engagement with the enlarged, annular peripheral rim. It is noted that this feature has been addressed above, for example, with respect to claim 12, as amended. Accordingly, the arguments above in favor of the patentability of this feature over the art of record with respect to claim 12 are considered to have equal applicability with respect to claim 19. Accordingly, for at least these reasons, allowance of claim 19, as amended, is respectfully requested.

Claim 20, as amended, recites an apparatus for use in association with a cup for aiding a user in identifying that cup, said cup having a sidewall connected with an enlarged, annular peripheral rim having a rim curvature extending to surround and define an opening. The apparatus includes an attachment portion configured for engaging at least a part of the enlarged, annular peripheral rim in a way which supports the apparatus on the cup having an arcuate configuration to at least approximately conform with the rim curvature. The attachment portion includes at least one tab configured to at least partially surround the engaged part of the

enlarged, annular peripheral rim. At least one protrusion is configured to cooperate with the tab such that the attachment portion is engaged with the engaged part of the enlarged, annular peripheral rim. An identification portion is connected with the attachment portion such that the identification portion is positioned adjacent to the sidewall when the attachment portion is in engagement with the enlarged, annular peripheral rim and the protrusion is in a non-confronting relationship with any other portion of the apparatus directly opposing the protrusion on an opposite side of the sidewall. Applicant is unable to find any teaching or suggesting in the art of record which would reasonably suggest the combined features of amended claim 20. For example, the protrusions taught by the '780 patent directly confront the base portion of each described tab through the sidewall of the glass. Accordingly, allowance of claim 20, as amended, is respectfully requested.

Claim 23 is an independent claim which has been amended to reflect the limitations of claim 20, but in method form. Accordingly, it is believed that the arguments made above in favor of the patentability of claim 20 over the art of record are equally applicable with respect to the patentability of claim 23, as amended. Accordingly, allowance of amended claim 23 is respectfully requested.

New claim 24 depends from claim 1 and further recites that the annular opening includes a circumference and the arcuate configuration of the attachment portion is configured to conform to a portion of the circumference. Thus, it is clear that the device conforms to the circumference of the cup opening.

New claim 25 depends from Claim 1 and recites that the cup includes a sidewall connected with the enlarged annular peripheral rim which sidewall includes an interior surface and an exterior surface and wherein the attachment portion includes a spaced apart pair of tabs, each of which is curved to receive at least a portion of a cross-sectional shape of the enlarged annular peripheral rim and each of the tabs includes a free end that is positioned adjacent to said interior surface and said attachment portion further includes a protrusion that projects toward the exterior surface from a position exterior thereto in a non-confronting relationship with the free end of each of said tabs and which cooperates with the tabs to define the arcuate configuration. The art of record, in contrast, fails to show tabs and a protrusion that are in such a non-confronting relationship.

New claim 26 depends from claim 1 and recites that the cup includes a sidewall connected with the enlarged annular peripheral rim which sidewall includes an interior surface and an exterior surface and wherein the attachment portion includes a spaced apart pair of tabs, each of which is curved to receive at least a portion of a cross-sectional shape of the enlarged annular peripheral rim and each of said tabs includes a free end that is positioned adjacent to said interior surface and in a non-confronting relationship directly through the sidewall with any other portion of the body. The art of record, in contrast, fails to show tabs that are in such a non-confronting relationship.

New claim 27 depends from claim 20 and recites that the tab is in a non-confronting relationship with

any other portion of the apparatus directly opposing the protrusion on an opposite side of said sidewall. The art of record, in contrast, fails to show a tab that is in such a non-confronting relationship.

New claim 28 depends from claim 23 and recites configuring the apparatus such that the tab is in a non-confronting relationship with any other portion of the apparatus directly opposing the protrusion on an opposite side of said sidewall. The art of record, in contrast, fails to show a protrusion that is in such a non-confronting relationship.

Accordingly, for at least these reasons, allowance of new claims 24-28 is respectfully requested.

For the foregoing reasons, it is respectfully submitted that all of the Examiner's objections have been overcome and that the application is in condition for allowance. Hence, allowance of these claims and passage to issue of the application are solicited.

If the Examiner has any questions concerning this case or believes that a telephone interview would expedite the prosecution of the case, the Examiner is respectfully requested to contact Mike Pritzkau at 303-410-9254.

Respectfully submitted,  
/Michael M. Pritzkau/  
Michael M. Pritzkau  
Reg. No. 37,913